

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1271

---

IN THE SENATE OF THE UNITED STATES

APRIL 5, 1995

Received; read twice and referred to the Committee on Governmental Affairs

---

## AN ACT

To provide protection for family privacy.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Family Privacy Protec-  
5       tion Act of 1995”.

1 **SEC. 2. FAMILY PRIVACY PROTECTION.**

2 (a) RESTRICTION ON SEEKING INFORMATION FROM  
3 MINORS.—Notwithstanding any other provision of law and  
4 subject to section 6, in conducting a program or activity  
5 funded in whole or in part by the Federal Government  
6 a person may not, without the prior written consent of  
7 at least one parent or guardian of a minor or, in the case  
8 of an emancipated minor, the prior consent of the minor,  
9 require or otherwise seek the response of the minor to a  
10 survey or questionnaire which is intended to elicit, or has  
11 the effect of eliciting, information concerning any of the  
12 following:

- 13 (1) Parental political affiliations or beliefs.
- 14 (2) Mental or psychological problems.
- 15 (3) Sexual behavior or attitudes.
- 16 (4) Illegal, antisocial, or self-incriminating be-  
17 havior.
- 18 (5) Appraisals of other individuals with whom  
19 the minor has a familial relationship.
- 20 (6) Relationships that are legally recognized as  
21 privileged, including those with lawyers, physicians,  
22 and members of the clergy.
- 23 (7) Religious affiliations or beliefs.

24 (b) GENERAL EXCEPTIONS.—Subsection (a) shall not  
25 apply to any of the following:

1           (1) The seeking of information for the purpose  
2 of a criminal investigation or adjudication.

3           (2) Any inquiry made pursuant to a good faith  
4 concern for the health, safety, or welfare of an indi-  
5 vidual minor.

6           (3) Administration of the immigration, internal  
7 revenue, or customs laws of the United States.

8           (4) The seeking of any information required by  
9 law to determine eligibility for participation in a pro-  
10 gram or for receiving financial assistance.

11       (c) ACADEMIC PERFORMANCE TESTS.—Subsection  
12 (a) shall not apply to tests intended to measure academic  
13 performance except to the extent that questions in such  
14 tests would require a minor to reveal information listed  
15 in a paragraph of subsection (a).

16 **SEC. 3. NOTIFICATION PROCEDURES.**

17       The head of any Federal department or agency which  
18 provides funds for any program or activity involving the  
19 seeking of any response from a minor to any survey or  
20 questionnaire shall establish procedures by which the de-  
21 partment, agency, or its grantees shall notify minors and  
22 their parents of protections provided under this Act. The  
23 procedures shall also provide for advance public availabil-  
24 ity of each questionnaire or survey to which a response  
25 from a minor is sought.

1 **SEC. 4. COMPLIANCE.**

2       The head of each Federal department or agency shall  
3 establish such procedures as are necessary to ensure com-  
4 pliance with this Act and the privacy of information ob-  
5 tained pursuant to this Act by the department or agency  
6 and its grantees. Nothing in this Act shall be construed  
7 to foreclose any individual from obtaining judicial relief.

8 **SEC. 5. MINOR DEFINED.**

9       In this Act, the terms “minor” and “emancipated  
10 minor” will be defined under the laws of the State in which  
11 the individual resides.

12 **SEC. 6. APPLICATION.**

13       This Act does not apply to any program or activity  
14 which is subject to the General Education Provisions Act  
15 (20 U.S.C. 1221 et seq.).

16 **SEC. 7. EFFECTIVE DATE.**

17       This Act shall take effect 90 days after the date of  
18 the enactment of this Act.

Passed the House of Representatives April 4, 1995.

Attest:

ROBIN H. CARLE,

*Clerk.*